

FRANK DALE MASCARENA
3165 KING AVE EAST
BILLINGS, MT. 59101

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BILLINGS DIVISION

AUG 05 2022

Clerk, U.S. Courts
District of Montana
Billings Division

IN THE MATTER OF
FRANK MASCARENA
ON BEHALF OF ALL OTHERS PRESENT AND
FUTURE INMATES OF YELLOWSTONE
COUNTY DETENTION CENTER BILLINGS
MONTANA

PETITIONER

|
VS

PLAINTIFF

IN THEIR INDIVIDUAL & OFFICIAL CAPACITY
Y.C.D.F

MIKE LINDER CHIEF SHERIFF

LIEUTENANT BAILEY

RESPONDANT

DEFENDANT

CASE No. CV 22-077

JUDGE: TIMOTHY J. CAVAN

COMPLAINT

AMENDMENT 14 § 1
DUE PROCESS
CLAUSE

42 USC § 1983
CRUEL UNUSUAL
PUNISHMENT

ON CAMPUS
ACCESS TO LAW LIBRARY

JURISDICTION & VENUE

THIS IS A CIVIL ACTION AUTHORIZED BY 42 USC SECTION 1983 AND AMENDMENT 14 § 1 TO REDRESS THE DEPRIVATION, UNDER COLOR OF LAW OR RIGHTS SECURED BY THE US CONSTITUTION. THIS IS ALSO FILED PURSUANT TO RULE 23 OF THE CIVIL RULES. THE COURT HAS JURISDICTION UNDER 28 USC SECTION 1331 AND 1343 (a) (3) LEAD PLAINTIFF FRANK MASCARENA ON BEHALF OF THE CLASS SEEKS ONLY DECLARATORY RELIEF PURSUANT TO 28 USC 2201 AND 2202. THE UNITED STATES DISTRICT COURT DISTRICT OF MONTANA BILLINGS DIVISION IS THE APPROPRIATE VENUE UNDER 28 USC § 1391 (b)(2) BECAUSE IT IS WHERE THE EVENTS GIVING RISE TO THE CLAIMS AROSE. FURTHERMORE, THIS COMPLAINT HOLDS 'CLASS ACTION ALLEGATIONS'.

COMPLAINT

PLAINTIFFS

LEAD PLAINTIFF FRANK MASCARENA IS ON BEHALF OF ALL PRESENT AND FUTURE INMATES OF YELLOWSTONE COUNTY DETENTION CENTER BILLINGS MONTANA.

DEFENDANTS

MIKE LINDER CHIEF SHERIFF IS LEGALLY RESPONSIBLE AND FULLY RESPONSIBLE FOR THE DAILY OPERATIONS AND THE OVERALL WELFARE OF ALL THE INMATES AND THE CHANGING OF POLICIES AT Y.C.D.F. LIEUTENANT BAILEY IS IN CONTROL OF THE STRUCTURES INSIDE THE JAIL AND OVERLOOKS INSIDE THE JAILS OPERATIONAL PROCEDURES AND CAN CHANGE OR ~~EX~~ THEM ~~TAKU~~ MIKE LINDERS APPROVAL.

1. FACTS

THERE IS NO LEGAL LAW LIBRARY IN YELLOWSTONE COUNTY DETENTION. THE ~~ENUMERATED~~ MOTION ATTACHED WITH THIS COMPLAINT APPLIES CASELAW OF THIS ISSUE.

2. FACTS

THERE ARE ZERO SPANISH LAW BOOKS IN THIS FACILITY AND THIS IS AN OBSTACLE THAT ~~IMPAIRS~~ THE ABILITY FOR ONLY SPANISH SPEAKING INMATES.

3. FACTS

2019 MONTANA CODE ANNOTATED BOOKS ARE THE ONLY LAW BOOKS AVAILABLE IN UNITS. AND SOME LAWS ARE REPEALED. IF WE REQUEST 2021 BOOKS WE ARE DENIED.

4. FACTS

WE ARE ONLY ALLOWED 30 MINUTES DAILY ON THE TABLETS FOR LAW LIBRARY. ITS NOT ENOUGH. NOT CLOSE (2)

COMPLAINT

5. FACTS

THERE ARE ZERO HOW TO RESEARCH LAW BOOKS AVAILABLE AND THIS INTERFERES WITH THE WAY WE UNDERSTAND THE CHARGES AGAINST US OR HOW TO DEFEND OURSELVES AGAINST CERTAIN LAWYERS WHO DONT HAVE THE BEST INTEREST IN THEIR CLIENTS.

6. FACTS

HAVING A LAW LIBRARY CAN MEAN THE DIFFERENCE OF ANY INMATES RECEIVING A MAXIMUM SENTENCE OR A MINIMUM. OR PROVING INNOCENCE

7. FACTS

IF THE INMATES OF YELLOWSTONE COUNTY DETENTION CENTER REQUEST ANY TYPE OF LAW LIBRARY THE STAFF WRITE BACK THAT OUR FAMILIES CAN SEND US IN LAW BOOKS AT THEIR EXPENSE. BUT THEY CAN ONLY BE SENT IN BY THE PUBLISHERS.

8. FACTS

SOME OR MOST INMATES LACK THE ABILITY OR FUNDS AVAILABLE TO MEET THIS GOAL. THIS IS NOT FAIR AND THIS HAS DEVASTATING EFFECTS.

9. FACTS

HAVING A LAW LIBRARY WILL HELP THE FEMALES WANT TO BECOME BETTER MOTHERS AND LEARN PARENTING

COMPLAINT

10. FACTS

THE OVERALL SPECTRUM MUST BE LOOKED AT IN THE MANNER THAT DEFENDANTS ARE INNOCENT UNTIL PROVEN GUILTY AND AN INADEQUATE LAW LIBRARY DOES NOT GIVE THEM THE CONSTITUTIONAL RIGHTS TO LEARN TO MAINTAIN THEIR INNOCENCE OR TO ADMIT THEIR GUILT AND STRUCTURE A BETTER DEAL.

DENIAL OF DUE PROCESS

AMENDMENT 14 SECTION 1. ALL PERSONS BORN OR NATURALIZED IN THE UNITED STATES AND SUBJECT TO THE JURISDICTION THEREOF ARE CITIZENS OF THE UNITED STATES AND OF THE STATE WHEREIN THEY RESIDE. NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES, NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESS OF LAW. NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS.

THE LEAD PLAINTIFF PRAY TO THIS COURT TO RESTORE THE RIGHTS OF THE CLASS AND FURTHERMORE TO EMANCIPATE THEM FROM THE DERELICTION OF DUTIES OF THE DEFENDANTS. BY NOT HAVING AN ON CAMPUS LAW LIBRARY WITH BOOKS AND NOT JUST TABLETS WHICH CAN BE COMPLICATIVE AND DOES NOT PROVIDE ENOUGH INFORMATION, IS A VIOLATION AND THIS DEPRIVES THE CLASS LIFE, LIBERTY, AND PROPERTY AND BY NOT ALLOWING THE MEMBERS OF THE CLASS TO RESEARCH LAWS THRU A WHOLESOME LAW LIBRARY WITH A SET SCHEDULE FOR EACH UNIT TO GO TO AND RESEARCH THEIR CASES WITH A LEGAL AID TO HELP RESEARCH THEIR ISSUES, THIS IS DENIAL OF EQUAL PROTECTION OF THE LAW. THIS EQUALS CRUEL AND UNUSUAL PUNISHMENT ALSO. THE DEFENDANTS FALL UNDER THE COLOR OF STATE LAW SO AMENDMENT 14 § 1 IS THE PROPER PART OF CONSTITUTIONAL AMENDMENTS AND THUS THE CLASS PRAYS FOR REDRESS.

COMPLAINT

EXHAUSTION OF REMEDIES

YELLOWSTONE COUNTY DETENTION CENTER HAS BEEN OPEN IN ITS CURRENT LOCATION SINCE THE LATE 1980S AND HAS HELD THE SAME PROCEDURES SINCE THEN. ALOT OF THESE PROCEDURES HAVE BEEN ALREADY PROVEN THRU CASELAW IN THE UNITED STATES AS BEING UNCONSTITUTIONAL. OVER THIS AMOUNT OF TIME IT IS EVIDENT THAT THE RULES AND REGULATIONS IN YELLOWSTONE COUNTY DETENTION ARE NEVER GOING TO BE RE-FIGURED AND CONSTITUTIONALLY ASCERTAINED WITHOUT THE DIRECTION OF THE UNITED STATES DISTRICT COURT, AND DIRECTED TO ATTAIN. MOREOVER THE LEAD PLAINTIFF WILL ATTACH PROOF OF THE GRIEVANCE PROCEDURES OF THIS COMPLAINTS ISSUES. THIS IS ONLY PART OF THE PROOF OF THE EXHAUSTION OF ADMINISTRATION REMEDIES.

CLAIMS FOR RELIEF

THE ACTIONS OF THE DEFENDANTS MIKE LINDER AND LIEUTENANT BAILEY IS DENYING DUE PROCESS BY INTERFERENCE OF COURT PROCEDURES IN THE FACT THAT INMATES WILL BE BETTER STRUCTURED TO UNDERSTAND THE COURT PROCESS WITH THE RESOURCES AVAILABLE THRU AN ON CAMPUS LEGAL LAW LIBRARY WITH FEDERAL AND STATE LAW BOOKS, MEANING REFERENCE BOOKS AND HOW TO RESEARCH BOOKS. MONTANA CODE ANNOTATED BOOKS ARE NOT ENOUGH AND THERE IS NO WAY TO UNDERSTAND HOW TO FILE CIVIL MOTIONS. BY THE DEFENDANTS NOT INFRASTRUCTURING A ON SITE LAW LIBRARY THIS PROVES SABOTISTIC AND MALICIOUS TOWARDS EACH MEMBER OF THE CLASS. AND THIS IS A VIOLATION OF EACH MEMBERS EIGHTH AMENDMENT AND ALSO FOURTEENTH AMENDMENT SECTION ONE. OF THE U.S CONSTITUTION INDEFINITELY.

RELIEF REQUESTED

WHEREFORE, PLAINTIFF REQUEST THAT THE COURT GRANT THE FOLLOWING RELIEF:

- A. ISSUE A DECLARATORY JUDGEMENT STATING THAT:
 - 1. THE ACTIONS OF THE DEFENDANTS LINDER AND BAFLEY VIOLATED THE CLASS RIGHTS UNDER THE 8TH AND 14TH AMENDMENTS OF THE UNITED STATES CONSTITUTION.
- B. GRANT SUCH OTHER RELIEF AS IT MAY APPEAR THE CLASS IS ENTITLED

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE. EXCEPT TO MATTERS ALLEGED ON INFORMATION AND BELIEF AND AS TO THOSE, I BELIEVE THEM TO BE TRUE, I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED IN YELLOWSTONE COUNTY DETENTION CENTER

RESPECTFULLY SUBMITTED BY

FRANK DALE MASCARENA

7-30-2022 10:50 PM

3165 KING AVE EAST BILLINGS MONTANA 59104